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UBER TECHNOLOGIES, INC.  
17 and OTTOMOTTO LLC

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

22 Plaintiff,

**DECLARATION OF HALLEY JOSEPHS  
IN SUPPORT OF DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL EXHIBITS TO ITS  
ADMINISTRATIVE MOTION TO  
SUPPLEMENT ITS MOTION TO  
EXCLUDE THE TESTIMONY OF  
MICHAEL WAGNER (DKT. 1619)**

23 v.

24 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING  
25 LLC,

26 Defendants.

1 I, Halley Josephs, declare as follows:

2 1. I am an attorney at the law firm of Susman Godfrey LLP. I make this declaration  
 3 based upon matters within my own personal knowledge and if called as a witness, I could and  
 4 would competently testify to the matters set forth herein. I make this declaration in support of  
 5 Defendants' Administrative Motion to File Under Seal Exhibits to Their Administrative Motion  
 6 to Supplement Their Motion to Exclude the Testimony of Michael Wagner (Dkt. 1619).

7 2. I have reviewed the following documents and confirmed that only the portions  
 8 identified below merit sealing:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Exhibit 1 to the Declaration of Halley Josephs	Entirety	Plaintiff Defendants
Exhibit 2 to the Declaration of Halley Josephs	Entirety	Plaintiff
Exhibit 3 to the Declaration of Halley Josephs	Entirety	Plaintiff
Exhibit 4 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 5 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 6 to the Declaration of Halley Josephs	Entirety	Defendants
Exhibit 7 to the Declaration of Halley Josephs	Entirety	Defendants

23 3. Exhibit 1 to the Josephs Declaration is the transcript of the deposition of Waymo's  
 24 damages expert Michael Wagner, which has been designated "Highly Confidential – Attorneys'  
 25 Eyes Only" and contains highly confidential material from both parties in accordance with the  
 26 Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"), which the parties  
 27 have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Pursuant to the  
 28

1 Protective Order, the parties have 21 days to designate specific portions of the testimony as  
2 confidential or highly confidential. In the interim, Defendants ask the Court to seal the entirety of  
3 the transcript. Defendants file this material under seal in accordance with Paragraph 14.4 of the  
4 Protective Order.

5       4. Exhibits 2 and 3 to the Josephs Declaration are the report and reply report of  
6 Waymo's damages expert Michael Wagner, which have been designated "Highly Confidential –  
7 Attorneys' Eyes Only" by Waymo in accordance with the Patent Local Rule 2-2 Interim Model  
8 Protective Order ("Protective Order"), which the parties have agreed governs this case (Transcript  
9 of 3/16/2017 Hearing, page 6). Defendants file these materials under seal in accordance with  
10 Paragraph 14.4 of the Protective Order.

11       5. Exhibits 4-7 to the Josephs Declaration contain highly confidential information  
12 regarding Uber's business forecasts and projections, organization run rates, negotiation strategies,  
13 market comparables, development strategies and performance on milestones, and responses to  
14 interrogatories regarding time and cost estimates for redesign of accused features. This highly  
15 confidential information is not publicly known, and its confidentiality is strictly maintained.  
16 Disclosure of this information could allow competitors to obtain a competitive advantage over  
17 Uber by giving them details into Uber's business and development strategies, such that they could  
18 tailor their own strategies and Uber's competitive standing could be significantly harmed.

19       6. Defendants' request to seal is narrowly tailored to the portions of the Motion and  
20 the supporting papers that merit sealing.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 25<sup>th</sup>  
22 day of September, 2017 at San Francisco, California.

/s/ *Halley Josephs*

Halley Josephs

## **ATTESTATION OF E-FILED SIGNATURE**

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Halley Josephs has concurred in this filing.

Dated: September 25, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ